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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,736	01/09/2007	Joachim Lohr	L7725.06116	5985
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Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER PATEL, CHANDRAHAS B	
			ART UNIT 2416	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,736

Applicant(s)

LOHR ET AL.

Examiner

Chandrahas Patel

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/26/2009 have been fully considered but they are not persuasive. Applicant argues that Ha does not teach a transmitting device and a receiving device have a common timing reference for indicating that a data packet is a retransmission data packet. However, no such limitation is present in the claims that require this. Timers are used to schedule uplink data transmission of a plurality of user equipments. However, this does not require that you have a common time reference between a transmitting device and a receiving device according to the claims.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 24-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang et al. (US-PGPUB 2002/0168945) in view of Ha et al. (USPN 7,099,273).

Regarding claim 24, Hwang teaches a method for controlling data transmissions in the uplink of telecommunication system, wherein a automatic repeat request (ARQ) protocol is used with synchronous retransmissions from to a Node B via an uplink data channel is used [Page 7, Para 85], and wherein the Node B performs: receiving a data packet from the user equipment [Fig. 2, 111], determining whether the data packet has been successfully decoded [Fig. 2, 120], if it has been determined that the data packet has not been successfully decoded [Fig. 2, 120], transmitting a feedback message to the user equipment [Fig. 2, 126].

However, Hwang does not teach the feedback message triggers a synchronous retransmission of a retransmission data packet for the received data packet from the user equipment, scheduling uplink data transmissions of a plurality of user equipments by transmitting a common control message to the plurality of user equipments, wherein the common control message restricts the Transmission Format Combination Subset (TFCS) of each of the plurality of user equipments to thereby set a maximum uplink resource common to the plurality of user equipments that each of the plurality of user equipments is allowed to utilize for uplink transmission on the uplink data channel.

Hwang teaches in the background of the related art a UMTS system and using HARQ protocol [Page 1, Para 2, 16]. Ha teaches synchronous retransmission of a retransmission data packet for the received data packet from the user equipment [Col. 16, lines 34-48, **synchronously retransmits retransmission data by adjusting the timers for synchronization of data**], scheduling uplink data transmissions of a plurality of user equipments by transmitting a common control message to the plurality of user equipments, wherein the common control message restricts the Transmission Format Combination Subset (TFCS) of each of the plurality of user equipments to thereby set a maximum uplink resource common to the plurality of user equipments that each of the plurality of user equipments is allowed to utilize for uplink transmission on the uplink data channel [Col. 7, line 52 – Col. 8, line 6, **utilizes timers for reducing burstiness of traffic thereby limiting maximum resource each user equipment can utilize**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a UMTS system and HARQ protocol so that multi-media

capabilities can be provided, synchronously retransmit packets so that data traffic can be managed effectively **[Col. 16, lines 34-38]** and to determine maximum uplink resource for the plurality of Node Bs so that appropriate transmission rate can be determined for packet transmission **[Col. 8, lines 3-6]**.

Regarding claims 25, 29, 33, 37, Hwang further teaches the feedback messages, indicating the successful or the unsuccessful reception of a data packet, are transmitted via a control channel **[Page 4, Para 46]**.

Regarding claims 26, 34, 38, Hwang further teaches the information in the feedback messages is sent simultaneously with scheduling related control information **[Page 4, Para 46]**.

Regarding claims 27, 31, 35, 39, Hwang further teaches the feedback messages and scheduling related control signaling is sent on the same channelization code **[Page 4, Para 46]**.

Regarding claim 28, Hwang teaches a Node B for controlling uplink data transmission in the uplink of a telecommunication system, in which a automatic repeat request (ARQ) protocol is used with synchronous retransmissions from to a user equipment to a Node B via an uplink data channel **[Page 7, Para 85]**, the Node B comprising: a receiver operable to receive a data packet from the user equipment **[Fig. 2, 111]**, a determining unit operable to determine whether the data packet has been successfully decoded **[Fig. 2, 120]**, a transmitter operable to transmit a feedback message to the user equipment **[Fig. 2, 126]**, if it has been determined that the data packet has not been successfully decoded **[Fig. 2, 126]**.

However, Hwang does not teach the feedback message triggers a synchronous retransmission of a retransmission data packet from the user equipment, a scheduler operable to schedule data transmissions of a plurality of user equipments by transmitting a common control message to the plurality of user equipments wherein the common control message restricts the transmission format combination subset of each of the plurality of user equipments to determine a maximum uplink resource common to the plurality of user equipments that each of the plurality of user equipments is allowed to utilize for uplink transmission on the uplink data channel.

Hwang teaches in the background of the related art a UMTS system and using HARQ protocol [Page 1, Para 2, 16]. Ha teaches synchronous retransmission of a retransmission data packet for the received data packet from the user equipment [Col. 16, lines 34-48, **synchronously retransmits retransmission data by adjusting the timers for synchronization of data**], scheduling uplink data transmissions of a plurality of user equipments by transmitting a common control message to the plurality of user equipments, wherein the common control message restricts the Transmission Format Combination Subset (TFCS) of each of the plurality of user equipments to thereby set a maximum uplink resource common to the plurality of user equipments that each of the plurality of user equipments is allowed to utilize for uplink transmission on the uplink data channel [Col. 7, line 52 – Col. 8, line 6, **utilizes timers for reducing burstiness of traffic thereby limiting maximum resource each user equipment can utilize**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a UMTS system and HARQ protocol so that multi-media

capabilities can be provided, synchronously retransmit packets so that data traffic can be managed effectively **[Col. 16, lines 34-38]** and to determine maximum uplink resource for the plurality of Node Bs so that appropriate transmission rate can be determined for packet transmission **[Col. 8, lines 3-6]**.

Regarding claim 30, Hwang further teaches the information in said feedback messages is combined with scheduling related control information and is jointly encoded **[Page 4, Paragraph 46]**.

Regarding claim 32, Hwang teaches a method for controlling uplink data transmissions in the uplink of a telecommunications system in which a automatic repeat request (ARQ) protocol is used with synchronous retransmissions from a user equipment to a Node B via a data channel **[Page 7, Para 85]**, and wherein the user equipment performs: transmitting a data packet to the Node B via the uplink data channel **[Page 3, Para 40]**, receiving a feedback message from the Node B and a common control message **[Page 3, Para 40]**, retransmitting the data packet to the Node B after a fixed time span upon having received the feedback message **[Page 6, Para 75]**, and restricting the Transmission Format Combination Subset (TFCS) of the mobile terminal to thereby set a maximum uplink resource according to the common control message **[Page 6, Para 75, last 3 bits on NAK message indicate uplink resources, i.e. transmission power increase/decrease, multicode number increase/decrease]**.

Hwang does not teach synchronously retransmitting a data packet.

Hwang teaches in the background of the related art a UMTS system and using HARQ protocol **[Page 1, Para 2, 16]**. Ha teaches synchronously retransmitting a data

packet **[Col. 16, lines 34-48, synchronously retransmits retransmission data by adjusting the timers for synchronization of data].**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a UMTS system and HARQ protocol so that multi-media capabilities can be provided and synchronously retransmitting data packets so that data traffic can be managed effectively **[Col. 16, lines 34-38].**

Regarding claim 36, Hwang teaches a mobile terminal for use in a telecommunications system in which a automatic repeat request (ARQ) protocol is used with synchronous retransmissions from a user equipment to a Node B via an uplink data channel **[Page 7, Para 85]**, the user equipment comprising: a transmitter to transmit a data packet to the Node B via the uplink data channel **[Page 3, Para 40]**, a receiver operable to receive a feedback message from the Node B and a common control message **[Page 3, Para 40]**, wherein the transmitter is operable to retransmit the data packet to the Node B after a fixed time span upon having received the feedback message **[Page 6, Para 75]**, and restricting the Transmission Format Combination Subset (TFCS) of the mobile terminal to thereby set a maximum uplink resource according to the common control message **[Page 6, Para 75, last 3 bits on NAK message indicate uplink resources, i.e. transmission power increase/decrease, multicode number increase/decrease].**

Hwang does not teach synchronously retransmitting a data packet.

Hwang teaches in the background of the related art a UMTS system and using HARQ protocol **[Page 1, Para 2, 16]**. Ha teaches synchronously retransmitting a data

packet **[Col. 16, lines 34-48, synchronously retransmits retransmission data by adjusting the timers for synchronization of data].**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a UMTS system and HARQ protocol so that multi-media capabilities can be provided and synchronously retransmitting data packets so that data traffic can be managed effectively **[Col. 16, lines 34-38].**

Regarding claim 40, Hwang teaches a receiver operable to receive a data packet from the user equipment **[Fig. 2, 111]**, a determining unit operable to determine whether the data packet has been successfully decoded **[Fig. 2, 120]**, a transmitter operable to transmit a feedback message to the user equipment **[Fig. 2, 126]**, if it has been determined that the data packet has not been successfully decoded **[Fig. 2, 126]**, wherein the feedback message indicates to the user equipment to retransmit a retransmission data packet for the received data packet after a predetermined time span upon having received the feedback message **[Page 6, Para 75]**.

However, Hwang does not teach a scheduler operable to schedule data transmissions of a plurality of user equipments by transmitting a common control message to the plurality of user equipments wherein the common control message restricts the Transmission Format Combination Subset (TFCS) of each of the plurality of user equipments to determine a maximum uplink resource common to the plurality of user equipments.

Hwang teaches in the background of the related art a UMTS system and using HARQ protocol **[Page 1, Para 2, 16]**. Ha teaches scheduling uplink data transmissions

of a plurality of user equipments by transmitting a common control message to the plurality of user equipments wherein the common control message restricts the transmission format combination subset of each of the plurality of user equipments to determine a maximum uplink resource common to the plurality of user equipments [**Col. 7, line 52 – Col. 8, line 6, utilizes timers for reducing burstiness of traffic thereby limiting maximum resource each user equipment can utilize.**]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a UMTS system and HARQ protocol so that multi-media capabilities can be provided and to determine maximum uplink resource for the plurality of Node Bs so that appropriate transmission rate can be determined for packet transmission [**Col. 8, lines 3-6**].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrahas Patel whose telephone number is (571)270-1211. The examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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